

MEETING OF THE BOARD OF CITY COMMISSIONERS

MAY 26, 2015

The Board of City Commissioners met in regular session on May 26, 2015, at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary.

A Chaplain of the Bismarck Police Department presented the invocation.

1. The Board of City Commissioners considered approval of the minutes of the meeting on May 12, 2015.

Commissioner Askvig made a motion to approve the minutes. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

2. CONSENT AGENDA

A. The Board of City Commissioners considered and approved voucher numbers 1055737 to 1056121.

B. The Board of City Commissioners reviewed the personnel actions.

C. The Board of City Commissioners considered the renewal of the following site authorizations from July 1, 2015 to June 30, 2016.

- Amvets Post 9
- Cystic Fibrosis Association of North Dakota
- Fort Abraham Lincoln Foundation
- Horse Race North Dakota
- Matpac Wrestling Club Inc.
- ND FFA Alumni Association
- North Dakota Association for the Disabled, Inc.
- North Dakota Chapters of Delta Waterfowl
- North Star Lions Club
- VFW Post #1326

D. The Board of City Commissioners considered the request from Bismarck Burleigh Public Health to renew the agreement with the ND Department of Health Division of Disease Control to rent office space within the Public Health building.

E. The Board of City Commissioners considered the request from the Bismarck Event Center to purchase an upgrade to their current point of sale system used at the Event Center in the food service areas.

F. The Board of City Commissioners considered the following requests from the Finance Department:

- Appointment of Keith Ulmer to replace Dennis Schlittenhardt on the Special Assessment Commission.
- Approval of 1996 as the base year for TIF.
- Approval of State Tax Commissioner's Contract.
- Approval of Contract with Vanguard Appraisals, Inc.

G. The Board of City Commissioners considered the request from the Public Works Utility Operations Department for approval of a three year renewal of maintenance agreement with Butler Machinery for the Emergency Generator at Water Treatment Plant.

H. The Board of City Commissioners considered the following requests from the Bismarck Police Department:

- Approval to apply for grant funding from the Department of Justice.
- Approval to apply for a North Dakota Department of Health STOP Grant in collaboration with the Abused Adult Resource Center.

I. The Board of City Commissioners considered the following requests from the Engineering Department:

- Approval of the sanitary sewer easement with Redland LLC.
- Change order with Mariner Construction for Street Improvement District 14-469 for a design change.

J. The Board of City Commissioners considered the requests for Resolution Creating District and Ordering Preparation of the Preliminary Report, Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications, Resolution Approving Plans and Specifications, Resolution Declaring Petition for Improvements has been Received, and Authorization to Advertise and Received Bids for the following improvement districts:

- Street Improvement District 15-498 (new asphalt, curb and gutter, ADA ramps)
- Street Improvement District 15-499 (new concrete pavement, curb and gutter, ADA ramps, sidewalk, storm sewer)

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED NINETY EIGHT
(498) AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Street Improvement District Number Four Hundred Ninety Eight (498) is created for the purpose of making an improvement project, consisting of new asphalt, curb and gutter, ADA ramps and related work, and to defray all or a portion of the costs thereof by the levy and collection of special assessments in said District.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

UNIT NO. 1

ALL OF BLOCK ONE (1), LOTS TWO (2) THROUGH TWENTY (20), BLOCK TWO (2), ALL OF BLOCK THREE (3), LOTS ONE (1) THROUGH TWENTY (20), BLOCK FOUR (4), ALL OF BLOCK FIVE (5), AND ALL OF BLOCK SIX (6), SOUTH MEADOWS ADDITION.

UNIT NO. 2

BLOCK ONE (1), LOT SIX (6) AND LOT SEVEN (7), HIGH MEADOWS NINTH (9TH) ADDITION.

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE
PREPARATION OF PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED NINETY EIGHT
(498)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Street Improvement District Number Four Hundred Ninety Eight (498), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare

detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED NINETY EIGHT
(498)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Street Improvement District Number Four Hundred Ninety Eight (498), as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved for its adoption:

RESOLUTION DECLARING PETITION FOR
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED NINETY EIGHT
(498) HAS BEEN RECEIVED

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that it is hereby found and determined that a written petition signed by owners of a majority of the area of property included within Street Improvement District Number Four Hundred Ninety Eight (498) has been received and that, therefore, it is not necessary to publish a Resolution Declaring Work Necessary for improvements in Street Improvement District Number Four Hundred Ninety Eight (498).

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED NINETY EIGHT
(498)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Street Improvement District Number Four Hundred Ninety Eight (498), according to plans and specifications heretofore approved by this Board, shall be received on July 13, 2015, at the hour of 3:00 o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

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Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED NINETY NINE (499)
AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Street Improvement District Number Four Hundred Ninety Nine (499) is created for the purpose of making an improvement project, consisting of new concrete pavement, curb and gutter, ADA ramps, sidewalk, storm sewer and related work, and to defray all or a portion of the costs thereof by the levy and collection of special assessments in said District.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

UNIT NO. 1

LOT TWO (2) THROUGH FOUR (4), BLOCK TWO (2), LOT ONE (1) AND LOTS FOUR (4) THROUGH EIGHT (8), BLOCK THREE (3), BLOCK FOUR (4), BLOCK FIVE (5), EAST DIVIDE INDUSTRIAL PARK ADDITION.

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE
PREPARATION OF PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED NINETY NINE (499)**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Street Improvement District Number Four Hundred Ninety Nine (499), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED NINETY NINE (499)**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Street Improvement District Number Four Hundred Ninety Nine (499), as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved for its adoption:

RESOLUTION DECLARING PETITION FOR
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED NINETY NINE
(499) HAS BEEN RECEIVED

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that it is hereby found and determined that a written petition signed by owners of a majority of the area of property included within Street Improvement District Number Four Hundred Ninety Nine (499) has been received and that, therefore, it is not necessary to publish a Resolution Declaring Work Necessary for improvements in Street Improvement District Number Four Hundred Ninety Nine (499).

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Seminary, Smith, Askvig, Grossman and President Warford. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NUMBER FOUR HUNDRED NINETY NINE (499)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Street Improvement District Number Four Hundred Ninety Nine (499), according to plans and specifications heretofore approved by this Board, shall be received on July 6, 2015, at the hour of 3:00 o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

- K. The Board of City Commissioners considered the requests for Resolution Creating District and Ordering Preparation of the Preliminary Report, Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications, Resolution Approving Plans and Specifications, and Authorization

to Advertise and Received Bids for the following improvement districts:

- Sewer Improvement District 15-562 (installation of local storm sewer, detention ponds and storm water, lift station and appurtenances)
- Sewer Improvement District 15-566 (installation of local storm sewer, detention ponds and appurtenances)

Commissioner Grossman introduced the following resolution and moved its adoption:

**RESOLUTION CREATING
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SIXTY TWO (562)
AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Sewer Improvement District Five Hundred Sixty Two (562) is created for the purpose of making an improvement project, consisting of installation of local storm sewer, detention ponds and storm water, lift station and appurtenances and related work, and to defray all or a portion of the costs thereof by the levy and collection of special assessments in said District.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

UNIT NO. 1

ALL OF BLOCK 1, ALL OF BLOCK TWO (2), ALLOF BLOCK THREE (3), BLOCK FOUR (4) LOTS ONE (1) THROUGH TWENTY (20), ALL OF BLOCK FIVE (5), AND ALL OF BLOCK SIX (6), SOUTH MEADOWS ADDITION; LOT TWO (2), BLOCK ONE (1), BURLEIGH AVENUE ADDITION.

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nayes: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE
PREPARATION OF PLANS AND SPECIFICATIONS FOR
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SIXTY TWO (562)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Sewer Improvement District Number Five Hundred Sixty Two (562), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SIXTY TWO (562)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Sewer Improvement District Number Five Hundred Sixty Two (562), as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SIXTY TWO (562)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Sewer Improvement District Number Five Hundred Sixty Two (562), according to plans and specifications heretofore approved by this Board, shall be received on July 7, 2015, at the hour of 3:00

o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

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Commissioner Grossman introduced the following resolution and moved its adoption:

**RESOLUTION CREATING
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SIXTY SIX (566)
AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Sewer Improvement District Number Five Hundred Sixty Six (566) is created for the purpose of making an improvement project, consisting of installation of local storm sewer, detention ponds and appurtenances and related work, and to defray all or a portion of the costs thereof by the levy and collection of special assessments in said District.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

UNIT NO. 1

LOT TWO (2) THROUGH FOUR (4), BLOCK TWO (2), BLOCK THREE (3), BLOCK FOUR (4), BLOCK FIVE (5), EAST DIVIDE INDUSTRIAL PARK ADDITION.

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE
PREPARATION OF PLANS AND SPECIFICATIONS FOR
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SIXTY SIX (566)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Sewer Improvement District Number Five Hundred Sixty Six (566), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SIXTY SIX (566)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Sewer Improvement District Number Five Hundred Sixty Six (566), as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED SIXTY SIX (566)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Sewer Improvement

District Number Five Hundred Sixty Six (566), according to plans and specifications heretofore approved by this Board, shall be received on June 22, 2015, at the hour of 3:00 o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

L. The Board of City Commissioners considered the following requests relating to Water Improvement District 15-327:

- Resolution Creating District and Ordering Preparation of the Preliminary Report
- Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications
- Resolution Approving Plans and Specifications
- Authorization to Advertise and Receive Bids

Commissioner Grossman introduced the following resolution and moved its adoption:

**RESOLUTION CREATING
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED TWENTY SEVEN
(327) AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Water Improvement District Number Three Hundred Twenty Seven (327) is created for the purpose of making an improvement project, consisting of construction of a 12-inch water main and related work, and to defray all or a portion of the costs thereof by the levy and collection of special assessments in said District.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

UNIT NO. 1

LOT TWO (2), BLOCK ONE (1), LEGACY ADDITION, AND LOT TWO (2) BLOCK ONE (1), MILLENNIUM ADDITION REPLAT.

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE
PREPARATION OF PLANS AND SPECIFICATIONS FOR
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED TWENTY SEVEN
(327)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Water Improvement District Number Three Hundred Twenty Seven (327), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED TWENTY SEVEN
(327)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Water Improvement District Number Three Hundred Twenty Seven (327), as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED TWENTY SEVEN
(327)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Water Improvement District Number Three Hundred Twenty Seven (327), according to plans and specifications heretofore approved by this Board, shall be received on June 15, 2015, at the hour of 3:00 o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

M. The Board of City Commissioners considered introduction of and called for public hearing on the following:

- Ordinance 6128 relating to weapons.

ORDINANCE NO. 6128

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 6-08-01, 6-08-02, 6-08-03 AND 6-08-05 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO WEAPONS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 6-08-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

6-08-01. Definitions. Where a term is used in this chapter, the meaning of that term as defined in Title 62.1 of the North Dakota Century Code, if that term is so defined, and as that Title may be amended from time to time, is hereby adopted by reference and incorporated herein.

Reference: N.D.C.C. Sec. 62.1-01-01 (1985)

Section 2. Amendment. Section 6-08-02 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Possession of Firearm at a Public Gathering is hereby amended and re-enacted to read as follows:

6-08-02. Possession of Firearm at Public Gathering.

1. A person who possesses a firearm at a public gathering is guilty of an offense. For the purpose of this section, "public gathering" ~~includes~~ means an athletic or sporting events; schools or school functions; churches or church functions; political rallies or functions; musical concerts; and individuals in publicly owned parks, a school, a church and a publicly owned or operated buildings.

2. This section does not apply to:

a. L~~aw~~ enforcement officers;

b. O~~en~~-duty animal wardens employed by the City;

c. M~~m~~embers of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;

d. C~~e~~ompetitors participating in organized sport shooting events;

e. G~~u~~n and antique shows;

f. P~~p~~articipants using blank cartridge firearms at sporting or theatrical events;

g. S~~t~~udents and instructors at hunter safety classes;

h. ~~or~~ P~~r~~ivate security personnel while on duty;

i. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question.

j. An individual in a publicly owned or operated rest area or restroom.

k. An individual possessing a valid class 1 concealed weapons license from this state or who has reciprocity under NDCC Section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a

primary religious leader of the church or other place of worship or the governing body of the church or other place of worship. If a church or other place of worship authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual.

I. A municipal court judge, a district court judge, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient.

Reference: NDCC Sec. 62.1-02-05 (1985; Ord. 6041, 04-22-14)

Section 3. Amendment. Section 6-08-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Discharge of Firearm Within City Limits is hereby amended and re-enacted to read as follows:

6-08-03. Discharge of Firearm Within City Limits.

1. A person who discharges a firearm within the city limits is guilty of an offense.

2. This section does not apply to the lawful discharge of firearms by law enforcement officers, by on-duty animal wardens employed by the City, by citizens in defense of person or property, or by participants in lawful activities in which discharge of firearms is a recognized part of the activity, including shooting galleries or ranges.

Reference: NDCC Sec. 62.1-02-06 (1985; Ord. 6041, 04-22-14)

Section 4. Amendment. Section 6-08-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Loaded Firearm in Vehicle is hereby amended and re-enacted to read as follows:

6-08-05. Loaded Firearm in Vehicle.

1. ~~A person who keeps or carries a loaded firearm in the passenger compartment of any motor vehicle~~ An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off - highway vehicle or snowmobile in this state. An individual violating this section is guilty of an offense.

2. This section does not apply to:

a. A member of the armed forces of the United States or National Guard, organized reserves, state defense forces, or state guard

organization while in possession of a weapon issued to the member by the organization and while on official duty.

b. A law enforcement officer except while the officer is engaged in hunting or trapping activities with a rifle or shotgun.

c. A person who possesses a valid ~~North Dakota~~ concealed weapons license from this state or who has reciprocity under section NDCC Section 62.1-04-03.1 with a handgun, or with a rifle or shotgun if not in the field hunting or trapping.

d. An individual in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.

ed. A security guard properly licensed to carry ~~weapons~~ firearms ~~by the attorney general.~~

fe. A person who possesses a valid special permit issued pursuant to section 20.1-02-05, N.D.C.C.

Reference: NDCC Sec. 62.1-02-10 (1985)

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

- Ordinance 6129 relating to urban renewal and downtown development.

ORDINANCE NO. 6129

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 7-08-02 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO URBAN RENEWAL AND DOWNTOWN DEVELOPMENT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 7-08-02 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Urban Renewal and Downtown Development is hereby amended and re-enacted to read as follows:

7-08-02. Urban Renewal and Downtown Development. The Board of City Commissioners may establish CORE Incentive Pprograms within the urban renewal area as part of a workable program to further the goals and objectives of an urban

renewal plan adopted by the City. ~~The Bismarck Renaissance Zone Authority shall act as an urban renewal agency as defined by NDCC Section 40-58-16 for the purpose of holding public hearings as required by NDCC Section 40-58-06. The Bismarck Renaissance Zone Authority may consider renewal plans submitted to it pursuant to the North Dakota Century Code or applications for the CORE Incentive Programs established by the Board of City Commissioners and shall forward its recommendations to the Board of City Commissioners. All decisions recommendations of the Bismarck Renaissance Zone Authority acting as an urban renewal agency regarding the CORE Incentive Program must be approved by the Board of City Commissioners. The Bismarck Renaissance Zone Authority may conduct design reviews as provided under City Ordinance Sections 14-04-21.1 and 14-04-21.2. A decision of the Bismarck Renaissance Zone Authority regarding design review shall be final. Any decision of the Renaissance Zone Authority regarding the CORE Incentive Program or design review are and subject to the appeal provisions of this chapter Section 7-08-01(2). Development or renewal plans relating to predominately commercial or industrial properties or amendments thereto need not be submitted to the City Planning and Zoning Commission unless the proposed plan or amendment is inconsistent with the City's comprehensive plan.~~

(Ord. 5159, 02-26-02; Ord. 5751, 12-08-09)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

Addendum Items:

N. The Board of City Commissioners considered the request from the Bismarck Airport for approval of Modification Number P0002 to "Other Transaction Agreement" (OTA) HSTS04-13-H-CT1153 with the Transportation Security Administration (TSA) for Checked Baggage Recapitalization Screening Construction Services.

Commissioner Grossman made a motion to approve the consent agenda. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

REGULAR AGENDA

3. The Board of City Commissioners considered the request to receive the Annual Report for the Mayor's Committee on Human Relations.

Sharon Korsmo, Chair of the Human Relations Committee, appeared and presented the annual report of the committee to the Board.

The Board received the report but took no action.

4. The Board of City Commissioners considered the request from the City Emergency Manager to adopt the 2015 Bismarck Multi-Hazard Mitigation Plan by resolution.

Gary Stockert, City Emergency Manager, appeared before the Board and presented a brief summary of the 2015 Bismarck Multi-Hazard Mitigation Plan and requested approval of the plan by resolution. There was discussion between Mr. Stockert and the Board about ranking of the items and plans done in the past.

RESOLUTION

ADOPTING THE 2015 BISMARCK MULTI-HAZARD MITIGATION PLAN FOR THE CITY OF BISMARCK, ND

WHEREAS, the City of Bismarck has been and continues to be committed to the protection of life, property, and the environment from natural, technological, and human-caused hazards; and

WHEREAS, the City of Bismarck recognizes the threat that natural, technological, or human-caused hazards pose to people and property within the City; and

WHEREAS, the 2015 Bismarck Multi-Hazard Mitigation Plan is the result of an extensive planning effort coordinated by Bismarck Emergency Management in cooperation with governmental and non-governmental stakeholders to develop a community specific mitigation plan which identifies hazards that have the potential to impact the City and establish mitigation strategies to address these hazards; and

WHEREAS, Bismarck Emergency Management and applicable City departments will coordinate implementation of the plan and continue to engage stakeholders in the review and update of the plan; and

WHEREAS, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple Federal Emergency Management Agency (FEMA) pre and post-disaster mitigation grant programs; and

WHEREAS, City of Bismarck, ND Department of Emergency Services, and Federal Emergency Management Agency Regional VIII officials have reviewed the 2015 Bismarck Multi-Hazard Mitigation Plan and have approved it contingent upon this official adoption of the plan by the Bismarck City Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, a municipal corporation, that the 2015 Bismarck Multi-Hazard Mitigation Plan as approved by FEMA is hereby adopted by the Bismarck City Commission as the City's Multi-Hazard Mitigation Plan

Adopted this 26th day of May, 2015.

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Naves: None, the motion carried.

5. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6120, a zoning ordinance text amendment relating to off-street parking, initiated by the city of Bismarck.

ORDINANCE NO. 6120

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO OFF-STREET PARKING AND LOADING.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Kim Lee, Planning Manager, appeared before the Board and presented information from the staff report.

PERSONS APPEARING	THEIR REMARKS
Robert Graham, Bismarck resident	Parking requirements in regards to zoning throughout the city are extremely important; he has grave concerns over the recommended language given to this board; paragraphs A and B are okay but paragraph C is unacceptable; it's primary point seems to be to offer some form of change to take place through the required off-street parking requirements etc for the various zoning areas of the city without having a way for the public to respond to those potential changes throughout the city; he finds vesting that capability in a non-elected official, although a very

	knowledgeable official, is not acceptable to him; if you go to how this is outlined, there is no hearing therefore you have no input into that approval process; he would feel more comfortable if the actual variance hearing process would in fact bring those changes to this Board.
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Commissioner Askvig made a motion to adopt Ordinance 6120. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Naves: None, the motion carried.

6. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6121, a zoning ordinance text amendment relating to Special Uses/Temporary Uses, initiated by the city of Bismarck.

ORDINANCE NO. 6121

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Kim Lee, Planning Manager, appeared before the Board and presented information from the staff report.

There were no oral or written protests.

Commissioner Askvig made a motion to adopt Ordinance 6121. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Naves: None, the motion carried.

7. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6122, a zoning ordinance text amendment relating to Special Uses/Drive-in/Drive-through Retail or Service Establishments, initiated by the city of Bismarck.

ORDINANCE NO. 6122

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Kim Lee, Planning Manager, appeared before the Board and presented information from the staff report.

There were no oral or written protests.

Commissioner Askvig made a motion to adopt Ordinance 6122. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

8. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6123, a zoning ordinance text amendment relating to CR-Commercial District, initiated by the city of Bismarck.

ORDINANCE NO. 6123

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-04-13 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE CR COMMERCIAL DISTRICT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Kim Lee, Planning Manager, appeared before the Board and presented information from the staff report.

There were no oral or written protests.

Commissioner Grossman made a motion to adopt Ordinance 6123. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

9. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6124 relating to the annexation of Lots 1-13, Block 2, Lots 2-7, Block 4, and Lots 1-4, Block 5, Eagle Crest Fourth Addition.

ORDINANCE NO. 6124

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

Kim Lee, Planning Manager, appeared before the Board and presented information from the staff report.

There were no oral or written protests.

Commissioner Askvig made a motion to adopt Ordinance 6124. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

10. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6125 relating to the annexation of Lot 2, Block 1, and all of the Northern Sky Drive right-of-way adjacent to Lot 2, Block 1, Northern Sky Addition.

ORDINANCE NO. 6125

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

Kim Lee, Planning Manager, appeared before the Board and presented information from the staff report.

There were no oral or written protests.

Commissioner Askvig made a motion to adopt Ordinance 6125. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

11. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6126

relating to the annexation of Tract 9 of Tracts 7 and 8 and Tract 10 of Tract 7 of Tract C of Zoller's Subdivision, initiated by the city of Bismarck.

ORDINANCE NO. 6126

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

Kim Lee, Planning Manager, appeared before the Board and presented information from the staff report.

There were no oral or written protests.

Commissioner Marquardt made a motion to adopt Ordinance 6126. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

12. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6127 relating to a zoning change for Metro Industrial Park Third Subdivision.

ORDINANCE NO. 6127

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Kim Lee, Planning Manager, appeared before the Board and presented information from the staff report.

There were no oral or written protests.

Commissioner Askvig made a motion to adopt Ordinance 6127. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

13. The Board of City Commissioners considered the following requests relating to Street Improvement District 495:

- Resolution Receiving Bids
- PUBLIC HEARING on Resolution of Necessity
- Resolution Awarding Contract for Construction

The President of the Board of City Commissioners announced the hour had arrived for the opening of bids for the construction of Street Improvement District Four Hundred Ninety Five (495). The Assistant City Administrator presented an affidavit showing publication in the official newspaper of advertisement for bids, the affidavit was examined, found satisfactory and was directed to be placed on file in the office of the City Administration.

The City Engineer then reported that one sealed bid for the construction of said improvement had been filed in his office prior to the time of this meeting, pursuant to said advertisement, which bids were publicly read and considered, and upon motion duly made, seconded and carried, said bids were directed to be entered upon the minutes of this meeting. The names of each of the bidders and the estimated cost under terms of each bid based on prices proposed by the bidder and quantities estimated by the City Engineer are as follows:

BIDDER	BID AMOUNT*
Northern Improvement	\$1,048,546.10
* Engineer's Estimate = \$1,264,290.00	

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION RECEIVING BIDS
AND ORDERING PREPARATION OF ENGINEER'S STATEMENT
STREET IMPROVEMENT DISTRICT FOUR HUNDRED NINETY FIVE (495)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. The Assistant City Administrator is hereby directed to enter upon the minutes of this meeting all bids received for the work and material required for the work to be done in Street Improvement District Four Hundred Ninety Five (495).
2. The engineer is hereby directed to make a careful and detailed statement of the estimated costs of said bids and upon receipt of the same the Board of City Commissioners shall take such other and further action with reference to said bids as shall be deemed necessary and expedient.

Commissioner Askvig seconded that motion. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

The President of the Board of City Commissioners announced the hour had arrived for the hearing on the Resolution of Necessity in and for Street Improvement District Four Hundred Ninety Five (495). The records show that an affidavit is on file in the office of City Administration showing publication had been made in this regard.

The President of the Board of City Commissioners then directed the Special Assessment Analyst to present all written protests against the making of such improvement which had been filed in his office within the period of thirty (30) days from and after the first publication in accordance with provisions of Section 40-22-17 of the North Dakota Century Code as amended. The Special Assessment Analyst reported that the only protests so filed were those signed by the following persons, claiming to be the owners of property described opposite their names:

<u>NAMES OF PERSONS PROTESTING</u>	<u>DESCRIPTION OF PROPERTY</u>
(No written protests)	

The protests were then presented to, examined and considered by the Board of City Commissioners. Signers of protests and all other persons present affected by the proposed improvement as property owners or otherwise, were then afforded an opportunity to be heard by the City Commissioners as to the necessity and desirability of making said improvement as described in said resolution. The following persons appeared and the substance of their views expressed by them were as follows:

<u>NAMES OF PERSONS APPEARING</u>	<u>REMARKS</u>
(No persons appeared)	

The Special Assessment Analyst reported on the area presented by the protests against the improvement proposed for Street Improvement District Four Hundred Ninety Five (495).

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION DETERMINING INSUFFICIENCY OF PROTESTS FOR
STREET IMPROVEMENT DISTRICT FOUR HUNDRED NINETY FIVE (495)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. This Board by resolution declared the necessity of an improvement in Street Improvement District Four Hundred Ninety Five (495) which resolution has been published in the official newspaper of the City as required by law. The owners of property liable to be specially assessed for said improvement have been afforded an opportunity to file written protests with the Special Assessment Analyst protesting said improvement, and this Board has had its first meeting after expiration of thirty (30) days

from the publication of said resolution having considered the sufficiency of all protests filed within said period.

2. Having further heard and considered all views presented by all interested persons at such hearing, and being fully advised in the premises, it is hereby found and determined that any protests against said improvement filed within the time and within the manner prescribed by law are not sufficient to bar against the proceeding further therewith, and that the City and this Board of City Commissioners are therefore authorized to cause the improvement to be made, and to contract and levy special assessments therefore, pursuant to and in accordance with provisions of Chapter 22, Title 40, North Dakota Century Code, as amended.

Commissioner Askvig seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Grossman introduced the following resolution and moved its adoption:

**RESOLUTION AWARDING CONTRACT FOR THE CONSTRUCTION OF
STREET IMPROVEMENT DISTRICT FOUR HUNDRED NINETY FIVE (495)**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Notice of advertisement for bids for the construction of Street Improvement District Four Hundred Ninety Five (495) having been duly published, and all bids received pursuant to said notice having been considered, it is hereby found and determined that the lowest responsible bidder whose bid complies with law and the terms of said advertisement is Northern Improvement, of Bismarck, North Dakota, and the estimated bidder's proposal for the construction of the work is \$1,048,546.10.

2. Upon the furnishing by the successful bidder of a contractor's bond in the sum not less than the amount of the contract as above estimated, with a surety company authorized to do business in the State of North Dakota, conditioned as required by the provisions of Section 40-22-31 of the North Dakota Century Code, which bond shall be furnished within ten days from the date hereof, a contract for the performance of said work pursuant to the plans and specifications on file in the office of City Administration shall be made and executed by the President and countersigned by the Assistant City Administrator.

3. The Special Assessment Analyst is hereby authorized and directed to retain the bidder's bond furnished by the successful bidder pending the approval of the contractor's bond and the execution of the construction contract, and to return the bonds of the other bidders forthwith.

Commissioner Askvig seconded that motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

14. The Board of City Commissioners considered the following requests relating to Street Improvement District 488:

- Resolution Receiving Bids
- Resolution Awarding Contract for Construction

The President of the Board of City Commissioners announced the hour had arrived for the opening of bids for the construction of Street Improvement District Four Hundred Eighty Eight (488). The Assistant City Administrator presented an affidavit showing publication in the official newspaper of advertisement for bids, the affidavit was examined, found satisfactory and was directed to be placed on file in the office of the City Administration.

The City Engineer then reported that three sealed bids for the construction of said improvement had been filed in his office prior to the time of this meeting, pursuant to said advertisement, which bids were publicly read and considered, and upon motion duly made, seconded and carried, said bids were directed to be entered upon the minutes of this meeting. The names of each of the bidders and the estimated cost under terms of each bid based on prices proposed by the bidder and quantities estimated by the City Engineer are as follows:

BIDDER	BID AMOUNT*
Northern Improvement	\$2,881,781.11
Knife River	\$2,911,800.23
Concrete Services	\$2,981,928.50
* Engineer's Estimate = \$3,601,637.00	

Commissioner Askvig introduced the following resolution and moved its adoption:

**RESOLUTION RECEIVING BIDS
AND ORDERING PREPARATION OF ENGINEER'S STATEMENT
STREET IMPROVEMENT DISTRICT FOUR HUNDRED EIGHTY EIGHT (488)**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. The Assistant City Administrator is hereby directed to enter upon the minutes of this meeting all bids received for the work and material required for the work to be done in Street Improvement District Four Hundred Eighty Eight (488).

2. The engineer is hereby directed to make a careful and detailed statement of the estimated costs of said bids and upon receipt of the same the Board of City

Commissioners shall take such other and further action with reference to said bids as shall be deemed necessary and expedient.

Commissioner Guy seconded that motion. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

Commissioner Askvig introduced the following resolution and moved its adoption:

**RESOLUTION AWARDING CONTRACT FOR THE CONSTRUCTION OF
STREET IMPROVEMENT DISTRICT FOUR HUNDRED EIGHTY EIGHT (488)**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Notice of advertisement for bids for the construction of Street Improvement District Four Hundred Eighty Eight (488) having been duly published, and all bids received pursuant to said notice having been considered, it is hereby found and determined that the lowest responsible bidder whose bid complies with law and the terms of said advertisement is Northern Improvement, of Bismarck, North Dakota, and the estimated bidder's proposal for the construction of the work is \$2,881,781.11.

2. Upon the furnishing by the successful bidder of a contractor's bond in the sum not less than the amount of the contract as above estimated, with a surety company authorized to do business in the State of North Dakota, conditioned as required by the provisions of Section 40-22-31 of the North Dakota Century Code, which bond shall be furnished within ten days from the date hereof, a contract for the performance of said work pursuant to the plans and specifications on file in the office of City Administration shall be made and executed by the President and countersigned by the Assistant City Administrator.

3. The Special Assessment Analyst is hereby authorized and directed to retain the bidder's bond furnished by the successful bidder pending the approval of the contractor's bond and the execution of the construction contract, and to return the bonds of the other bidders forthwith.

Commissioner Guy seconded that motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

15. The Board of City Commissioners considered the request of Rick and Lori Lee for designation of the purchase of a primary residential condominium in a previously approved Renaissance Zone project at 100 West Broadway Avenue as a Renaissance Zone project. The property is owned by Pine Properties and is

legally described as Lots 1-24, Block 58, Original Plat. The Renaissance Zone Authority recommends approval.

Jason Tomanek, Planner, appeared before the Board. Rick and Lori Lee are the next residents in the Broadway Center building. They are intending to purchase unit 318 in the building that has 17 condominiums. Their unit has 2,160 square feet. With all condos in this project, there is a property tax exemption for up to five years and an estimated state income tax exemption for personal income tax. In the case of the property tax exemption, the estimate for five years is \$24,000 and the estimated state income tax exemption benefit is \$30,000 over five years.

The Renaissance Zone Authority held a public hearing on May 19, 2015, and based on the findings contained in the staff report, recommend approval of the designation of the purchase of a primary residential condominium in the building at 100 West Broadway Avenue by Rick and Lori Lee as a Renaissance Zone project, a 100% property tax exemption on the value of the condominium and an exemption up to \$10,000 from personal state income tax for five years beginning with the date of occupancy.

Commissioner Grossman made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: Marquardt, the motion carried.

16. The Board of City Commissioners considered the request of Canvasback, LLC, for assistance from the CORE Technical Assistance Bank grant program for the building at 416 North 6th Street. The property is owned by Canvasback, LLC, and is legally described as Lot 2 less the West 10 feet, Block 25, Northern Pacific Addition. The Renaissance Zone Authority recommends approval.

Jason Tomanek, Planner, appeared before the Board. This building is currently occupied by Feil Orthodontics and Canvasback LLC is registered to Blake Feil. The request tonight is to allow them to work with an architect and an engineer to do a feasibility study to see if there is an opportunity to add onto this building. They've indicated a desire to add-on another floor and are asking assistance through the CORE Technical Assistance Bank. This programs covers up to 30 hours of architectural work and up to 70 hours of engineering work. The incentive grant is 75% of the bill for the architectural services and 75% of the engineering services with a maximum cap of \$2,475 for architectural and \$5,775 for the engineering services. As with all technical assistance programs, the applicants would be required to pay 25% of the bill and anything above and beyond the allocated hours.

The Renaissance Zone Authority held a public hearing on May 19, 2015 on this request and based on the findings contained in the staff report, recommend approval of the request for engineering and architectural services for Canvasback, LLC for the building at 416 North 6th Street.

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

17. The Board of City Commissioners considered the request from the Public Works Service Operations Department to receive and consider disposition of bids for sale of a 2010 Toro Mower from a sealed bid public sale.

Jeff Heintz, Public Works Service Operation Director, appeared to presents the bid(s) received:

BIDDER	BID AMOUNT
Bismarck Public Schools	\$32,000.00

Mr. Heintz recommended approval for sale of the mower to Bismarck Public Schools.

Commissioner Askvig made a motion to approve the request. Commissioner Grossman seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

18. The Board of City Commissioners considered the following requests from the Bismarck Airport:

- Receive and consider disposition of bids for Airport Security Services.

Greg Haug, Airport Manager, appeared before the Board and presented the bids received:

BIDDER NAME	CALCULATION	SUBTOTAL	3 YEAR BID TOTAL
Bis-Man Security	Year 1 Bid \$22.08 per hour x 30 hours per day x 242 days =	\$160,300.80	\$648,123.30
	Year 2 Bid \$21.95 per hour x 30 hours per day x 365 days =	\$240,352.50	
	Year 3 Bid \$22.60 per hour x 30 hours per day x 365 days =	\$247,470.00	
G4S Secure Solutions USA	Year 1 Bid \$30.20 per hour x 30 hours per day x 242 days =	\$219,252.00	\$892,458.00
	Year 2 Bid \$30.55 per hour x 30 hours per day x 365 days =	\$334,522.50	
	Year 3 Bid \$30.93 per hour x 30 hours per day x 365 days =	\$338,683.50	

Mr. Haug recommended awarding to Bis-Man Security Inc. for a three year bid totaling \$648,123.30 and approval to enter into that contract.

Commissioner Askvig made a motion to approve the request. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

- Approve an insurance consultant selection committee recommendation.

Greg Haug, Airport Manager, appeared before the Board. He said this spring they advertised for these services in accordance with city policy. They only received one submittal so the selection committee had a pretty easy assignment for a recommendation. The lone proposal was received from the incumbent, Arthur J. Gallagher, formerly known as Nation Air, who provides very good service to the airport. The selection committee recommends Arthur J. Gallagher be selected as the Airport's insurance consultant starting on March 16, 2016 for up to a five year period. Airport staff recommends the Board accept and approve the recommendation of the committee.

Commissioner Askvig made a motion to approve the request. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

19. The Board of City Commissioners considered the following requests from the Public Works Utility Operations Department:

- Receive and consider disposition of bids for sale of city-owned lot at 717 N Mandan Street.

Keith Demke, Public Works Utility Operations director, appeared before the Board and presented the bids received. He said this is a small lot and the site of a former water booster pumping station that was abandoned quite a few years ago.

BIDDER	BID AMOUNT
Eugene Lehr	\$7,510.00
Mike Bohrer (Venture Property Management)	\$15,050.00

Mr. Demke said Venture Property Management is the group that is pursuing building small houses on in fill lots. Planning Department staff and Mr. Demke met with Venture Property Management last Friday and discussed the limitations on this lot. They are still interested in pursuing their bid and staff recommends awarding to the high bidder, Venture Property Management for \$15,050.00. Commissioner Askvig verified with Mr. Demke that Venture Property Management understands the limitation of this lot and Mr. Demke said yes.

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

- Receive and consider disposition of bids for Water Utility Project 2015-107.

Keith Demke, Public Works Utility Operations director, appeared before the Board and presented the bids received. This is the annual water valve and hydrant replacement project.

BIDDER	BID AMOUNT
Quam Construction	\$185,045.00
George E Haggart	\$207,000.00
Markwed Excavating	\$252,000.00
Force Enterprise	\$163,889.00
Engineer's Estimate =	\$154,000.00

Mr. Demke recommends awarding to Force Enterprise for \$163,889.00.

Commissioner Grossman made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

20. The Board of City Commissioners considered Other Business.

President Seminary said the company he works for sponsors a golf tournament for the American Red Cross. Part of the festivities is bean the bozo where someone stands about 100 yards out and people can hit golf balls at him while he's dressed in goalie equipment. So you pay money to hit golf balls at this guy and it happens to be President Seminary. Friday, May 29th at the Prairie West golf course in Mandan and he believes its \$3 or \$5 per ball.

He had a meeting today with Senator Heidi Heitkamp, mayors, county commissioners, city administrators, representatives of the trades, NDDOT, ND Association of General Contractors. They were talking about the state of the Highway Trust Fund. They learned today to fill all the current needs for rehabilitation of bridges and roads, the current gas tax which hasn't been raised since 1993, would be in the area of 12 cents. He suspects that it won't happen at the federal level and there are states and municipalities having to do something on their own because they can no longer wait for the federal government to figure this out. We will be having discussions at this table and others on how we move forward. Senator Heitkamp is determined to come up with a long term plan but he thinks that will be difficult based on the history of this discussion.

Having completed the items on the agenda, President Seminary asked if there was any further business for this meeting. There being none, the meeting was declared adjourned at 6:20 p.m.